

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

**BOBBY BLAND, DANIEL RAY CARTER,
JR., DAVID W. DIXON, ROBERT W.
MCCOY, JOHN C. SANDHOFER, and
DEBRA H. WOODWARD**

Plaintiffs,

CASE NO. 4:11-CV-45

v.

**B.J. ROBERTS, individually and in his
official capacity as Sheriff of the City of
Hampton, Virginia**

Defendant.

DECLARATION

I, Danny Carter, having direct knowledge of the information set forth herein,
hereby depose and declare as follows:

1. I am a citizen and resident of the Commonwealth of Virginia and the United States. I maintain my principal residence at 341F Advocate Court, Newport News, Virginia 23608.

2. From June, 1998 to December, 2009, I was employed as a Deputy Sheriff within the Hampton Sheriff's Office under B.J. Roberts. I served as a sworn, uniformed Deputy Sheriff. I served as a jailor. I had no role in making policy for the Hampton Sheriff's Office. My contact with the public was relatively limited. I had no leadership responsibilities within the office. I was not a confidant of the Sheriff or a custodian of any confidential information.

Exhibit 6

3. I have never served as a "law enforcement officer." I never attended the "Basic Law Enforcement" course required by DCJS in order to serve in that capacity. I always served in the Hampton Sheriff's Office as a jailor. My only formal training for the job was the "Basic Jailor" course offered by DCJS. I have never exercised any power of arrest. I was not aware I had the power of arrest while I was employed by the Hampton Sheriff's Office and was under the general impression that I did not.

4. My supervisor at the time of my termination was Lieutenant Sammy Mitchell.

5. At all times during my employment as a Deputy in the Hampton Sheriff's Office, I performed in an exemplary manner. I always received "above average" performance evaluations.

6. In November 2009, Sheriff Roberts was up for re-election for the office of Sheriff of the City of Hampton.

7. The Sheriff is assisted by other senior officers who are appointed solely by him and serve at his pleasure. In 2009, these senior officers included Colonel Karen Bowden, Major Kenneth Richardson, Major Belinda Wells-Major, Captain Robert McGee, Captain John Harding, Lieutenant Harry Lewis, Lieutenant Krystal Cook, and several others. It was obvious to me throughout my employment with the Hampton Sheriff's Office that Sheriff Roberts demanded and received absolute political loyalty from all of the senior officers within his office. Over the several years that I worked within the Hampton Sheriff's Office, I directly observed Sheriff Roberts repeatedly use the power and resources of his office in his re-election efforts. The following are merely examples:

a) I observed and learned directly from those involved that the Sheriff used low-level rank-and-file employees to plan, manage, staff and carry out political activities and events while on paid status. Examples of this include the staffing and manning of his annual fundraising event and putting up political campaign signs;

b) I have observed him use prisoners to set up tents, buffets, tables, etc. for his campaign-fundraising efforts. It has always been my understanding that this was permissible for charitable events but not for political events;

c) Sheriff Roberts' subordinates, primarily Major Richardson and Captain McGee, have used coercive methods to get rank-and-file employees to sell tickets and/or buy tickets to Sheriff Roberts' campaign-fundraising events;

d) Every campaign year since my employment in the Hampton Sheriff's Office, I have observed Sheriff Roberts himself and his senior officers routinely speak to large groups of Hampton Sheriff's Office employees, sometimes for five or ten minutes at a time, when the sole purpose of the talk was to persuade them to vote for him or to provide various types of services and support to his re-election efforts—these talks were always on the clock.

8. In the late summer of 2009, Sheriff Roberts learned that I was actively supporting Jim Adams, his primary opponent in the upcoming election. Adams was generally considered to be a credible opponent as he had held a very high-ranking position in the Hampton Sheriff's Office for sixteen years and resigned his position in January 2009 to run against Roberts. At the time of his resignation, Adams was the Lieutenant Colonel within the office and third most senior officer.

9. In late August or very early September of 2009, I co-hosted a cookout for certain Hampton Sheriff's Office employees and invited Jim Adams to attend. Robert

McCoy and John Sandhofer, also plaintiffs in this action, attended the cookout as well. Photographs of the event were posted on Facebook and are attached hereto as **Exhibit A**, depicting McCoy and Sandhofer.

10. I co-hosted the cookout with Ramona Larkin (now Ramona Jones). Ramona was also a deputy employed within the Hampton Sheriff's Office at the time. Immediately after the cookout, Ramona was approached by Major Kenneth Richardson. Major Richardson wanted to know who attended the cookout. Major Richardson specifically wanted to know if Jim Adams attended the cookout. When Larkin replied in the affirmative, Major Richardson said to her something to the effect of, "It does not look good" and "It looks like this was a campaign event" and that she needed to report the matter to the Sheriff. Ramona correctly reported to Major Richardson that I had invited Adams, not her.

11. At approximately the same time, I went on Jim Adams' campaign Facebook page and posted an entry on the page indicating my support for Jim Adams' campaign. More specifically, I "friended" Adams, I noted that "I 'liked' his page", and I wrote and posted a message of encouragement that was signed "Danny Carter". McCoy made a similar posting. My wife did not post my message or have anything to do with it. Whenever I go on Facebook and post anywhere, an icon is assigned to my identity. The icon happens to be a picture of my wife and me on the day we were married. The Sheriff's efforts to assert that my wife was partially responsible for this posting are blatantly false and he plainly knows it. My posting is attached to this Declaration as **Exhibit B**. My own Facebook page also clearly reflected my support for Adams.

12. During the 2009 campaign season, I affirmatively expressed my support

for Adams to several persons. I never did this at work unless perhaps I was asked, and I cannot recall any specific incidences of that happening. I was never disruptive or disrespectful to Sheriff Roberts.

13. In years prior to 2009, I provided significant support to the Sheriff's re-election efforts in various ways, including: putting up yard signs, handing out fliers, working polls, buying tickets to campaign events, attending campaign events, etc. In 2009, I did none of these things.

14. Major Richardson was in charge of selling tickets to the Sheriff's barbecue and golf tournament. He would frequently tell employees, "you either sell the tickets or you buy them." I have heard him say this on several occasions.

15. I have heard Sheriff Roberts' senior officers make the following statements to low-level Hampton Sheriff's Office employees on many occasions:

- a) "If you don't support the Sheriff, you're going to be out of here"
- b) "If you don't support the Sheriff, you are not going anywhere";
- c) "Be sure you are supporting the right person";
- d) "It is in your best interest to support the sheriff".

16. In addition to my own Facebook posting, I observed Plaintiff Robert McCoy's Facebook posting on Jim Adams' campaign Facebook site sometime in the late summer or very early fall of 2009.

17. In the late summer of 2009, I believe it was very early in September, Sheriff Roberts became incensed when he learned that McCoy and I were openly on Jim Adams' campaign Facebook page supporting Adams' candidacy for Sheriff. I remember very well the Sheriff calling groups of employees together and, specifically, calling my

shift together to speak to us. He began by noting and expressing his disapproval with certain employees [including me] being on Jim Adams' campaign Facebook page. Obviously, I knew at this point he was speaking of my posting and I paid very close attention to what he said next. While I probably do not have this quote exactly right, he made a statement to the following effect and containing all of the following material elements:

I am going to have this job as long as I want it. My train is the long train. I will be Sheriff until I don't want to be Sheriff. If you want to get on the short train with the man I fed for sixteen years, you are going to be out of here. This is a bad economy and people are knocking down my door for these jobs.

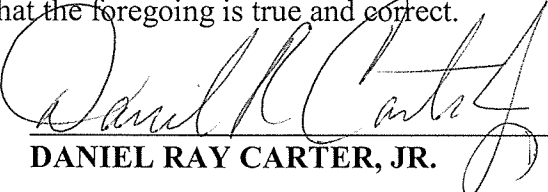
18. After making the statement set forth in the preceding paragraph, and after the meeting concluded, Sheriff Roberts approached me and, after making several intimidating statements, said, "You made your bed, and now you're going to lie in it—after the election, you're gone." There was no mention of my wife's disciplinary history or anything related to my wife. The Sheriff was visibly angry. He was so angry, in fact, that I thought he might actually punch me.

19. The Sheriff was true to his word and I was terminated shortly after the election.

20. At no time prior to my termination in 2009 did either my immediate supervisor, Lieutenant Harry Lewis, or my second-level supervisor, Major Kenneth Richardson, indicate that they had any problems with my performance. The only formal discipline in my personnel record at the time of my termination was over five years old.

I declare under penalty of perjury that the foregoing is true and correct.

12/22/11
Date


DANIEL RAY CARTER, JR.



**Exhibit A to
Carter Declaration**



Introducing the Like button

close

Starting today people will be able to connect with your Page by clicking "Like" rather than "Become a Fan." We hope this action will feel much more lightweight, and that it will increase the number of connections made across the site. [Learn more.](#)


[Edit Page](#)
[Promote with an Ad](#)

I am confident that through hands-on leadership, I can restore the Hampton Sheriff's Office to a healthy state with high staff morale, an increased focus on public safety, sound finances, and accountability to those who elect me.

Information

Country:

United States

Currently Running For

Office:

Sheriff

State:

Virginia

District:

City of Hampton

Insights

[See All](#)

0 Post Quality

0 Interactions This Week

Insights are visible to page admins only.

303 People Like This

[See All](#)


Tami Charles



Dani Tatum



Daniel R Carter Jr



Elizabeth Kravitz



Katie Carpenter Gordon



Lewis Clements

Photos

2 of 15 albums

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News Articles

Day of



Patty Stanton Massenburg

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Ron Rose

Aflac

[Add as Friend](#)


Daniel R Carter Jr

[Add as Friend](#)


Katie Corbett Seguin

[Add as Friend](#)


Brian Thurston

[Add as Friend](#)


Jeff Barbour

[Add as Friend](#)

**Exhibit B to
Carter Declaration**



[Send Daniel a Message](#)

Information

Relationship Status:

Married

Current City:

Newport News, VA

Friends

256 friends

[See All](#)



Ezekiel
Orlando
Arps



Glenn Hall



Tina
Gillespie



Jason Loch



Kenny
Carter



Robert
Felme

[Report/Block this Person](#)

[Share](#)

Daniel R Carter Jr

[Add as Friend](#)

[Wall](#) [Info](#)

Daniel only shares some of his profile information with everyone. If you k
send him a message or add him as a friend.

Basic Information

Sex: Male
Current City: Newport News, VA
Parents: Cathy Carter
Relationship Status: Married

Likes and Interests

About Me: everything is the same just got little bit older and little bit fatter

Education and Work

High School: Salem High '92

Employer: hampton sheriffs office
Time Period: June 1998 - Present
Location: Hampton, VA

Pages



Jennifer La Londe Events Fan Page!



skyelar's friend page



Jim Adams for Hampton Sheriff



WAVY TV 10



Maxwell